

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**In Re: **Carol Sutton**Case No.: 20-21380

Judge: \_\_\_\_\_

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**☐ Original☒ Modified/Notice Required

Date: \_\_\_\_\_

☐ Motions Included☐ Modified/No Notice RequiredTHE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney \_\_\_\_\_ Initial Debtor: C S Initial Co-Debtor \_\_\_\_\_

### Part 1: Payment and Length of Plan

a. The debtor shall pay 1,350.00 Monthly to the Chapter 13 Trustee, starting on \_\_\_\_ for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:  
Description:  
Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

### Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
David Witherspoon	Attorney Fees	3,560.00
Internal Revenue Service	Taxes and certain other debts	7,000.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

- ☒ None  
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☐ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral property already foreclosed and sold	Remaining Unsecured Debt Property to be surrendered in full satisfaction of claim
Community Loan Servicing	271 William St Orange, NJ 07050 Essex County, NJ		

**f. Secured Claims Unaffected by the Plan ☐ NONE**

The following secured claims are unaffected by the Plan:

Creditor  
AmeriCredit/GM Financial  
Bayview Financial Loan

**g. Secured Claims to be Paid in Full Through the Plan ☐ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
Tax Collector	1407-11 Chetwynd Ave Plainfield, NJ 07060 Union County	41,435.85
Tax Collector- City of Trenton	533 brunswick Ave Trenton, NJ 08638 Mercer County	17,758.20

**Part 5: Unsecured Claims ☐ NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions ☒ NONE**

**NOTE: All plans containing motions must be served on all affected lienholders, together with local**

**form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification** ☒ **NONE**

**NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_.

Explain below <b>why</b> the plan is being modified:	Explain below <b>how</b> the plan is being modified:
Surrender 271 William St, Orange, NJ to Community Loan Servicing	Surrender 271 William St, Orange, NJ Property to be surrendered in full satisfaction of claim.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>December 14, 2020</u>	<u>/s/ Carol Sutton</u> Carol Sutton Debtor
Date: _____	_____ Joint Debtor
Date: <u>December 14, 2020</u>	<u>/s/ David Witherspoon</u> David Witherspoon Attorney for the Debtor(s)

In re:  
Carol Sutton  
Debtor(s)

Case No. 20-21380-VFP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Dec 17, 2020

User: admin  
Form ID: pdf901

Page 1 of 2  
Total Noticed: 28

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 19, 2020:

Recip ID	Recipient Name and Address
db	+ Carol Sutton, 1407 Chetwynd, Plainfield, NJ 07060-3115
cr	+ Aldridge Pite, LLP for Fay Servicing, LLC, 4375 Jutland Drive, Suite 200, PO BOX 17933, San Diego, CA 92177-7921
cr	+ US Bank C/F Actlien Holding Inc., c/o Pellegrino & Feldstein, LLC, 290 Route 46 W, Denville, NJ 07834-1239
518981006	+ Aa Action Collection C, 517 S Livingston Ave, Livingston, NJ 07039-4349
518981008	Atlantic Medical Group, PO box 419101, Boston, MA 02241-9101
518999814	+ City of Trenton Tax Collector, P.O. Box 210, Trenton, NJ 08602-0210
519038792	+ Community Loan Servicing, LLC, 4425 Ponce De Leon Blvd., 5th Floor, Coral Gables, FL 33146-1873
519042854	+ Nordstrom, Inc., Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
518981014	+ Pressler & Pressler, attn: Ian Winograd, 7 Etin Rd, Parsippany, NJ 07054-5020
518981015	+ Saint Barnabas Medical, 94 Old Short Hills Rd, Livingston, NJ 07039-5668
518981017	+ Tax Collector, City of Plainfield, City Hall, 515 Watchung Ave, Plainfield, NJ 07060-1720
518981018	+ Tax Collector- City of Trenton, City Hall, 319 E State St, Trenton, NJ 08608-1865
519023811	US Bank C/F Actlien Holding Inc., PO Box 237174, New York, NY 10023-0032
518981019	University Physician Assoc, PO Box 18181, Newark, NJ 07191-8181

TOTAL: 14

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Dec 17 2020 21:46:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	Dec 17 2020 21:46:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
cr	+ Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Dec 17 2020 21:45:00	AmeriCredit Financial Services, Inc. dba GM Financ, PO BOX 183853, Arlington, TX 76096-3853
518993738	Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Dec 17 2020 21:45:00	AmeriCredit Financial Services, Inc., dba GM Financial, P O Box 183853, Arlington, TX 76096
518981007	+ Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Dec 17 2020 21:45:00	AmeriCredit/GM Financial, Attn: Bankruptcy, Po Box 183853, Arlington, TX 76096-3853
518981009	+ Email/Text: bkmailbayview@bayviewloanservicing.com	Dec 17 2020 21:46:00	Bayview Financial Loan, Attn: Bankruptcy Dept, 4425 Ponce De Leon Blvd. 5th Floor, Coral Gables, FL 33146-1873
518981010	Email/Text: sbse.cio.bnc.mail@irs.gov	Dec 17 2020 21:45:00	Internal Revenue Service, PO Box 724, Springfield, NJ 07081-0724
518998172	Email/PDF: MerrickBKNotifications@Resurgent.com	Dec 17 2020 23:25:35	MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
518981011	+ Email/PDF: MerrickBKNotifications@Resurgent.com	Dec 17 2020 23:32:14	Merrick Bank/CardWorks, Attn: Bankruptcy, Po Box 9201, Old Bethpage, NY 11804-9001
518981012	+ Email/Text: bnc@nordstrom.com	Dec 17 2020 21:45:46	Nordstrom FSB, Attn: Bankruptcy, Po Box 6555,

District/off: 0312-2

User: admin

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Date Rcvd: Dec 17, 2020

Form ID: pdf901

Total Noticed: 28

Englewood, CO 80155-6555

518981013	+ Email/Text: bankruptcy@onlineis.com	Dec 17 2020 21:46:00	Online Collections, Attn: Bankruptcy, Po Box 1489, Winterville, NC 28590-1489
518981016	+ Email/Text: bankruptcy@savit.com	Dec 17 2020 21:47:00	SaVit Collection Agency, Attn: Bankruptcy, Po Box 250, East Brunswick, NJ 08816-0250
519041073	+ Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Dec 17 2020 23:29:44	Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
518981020	+ Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Dec 17 2020 21:44:00	Verizon Wireless, Attn: Verizon Bankruptcy, 500 Technology Dr, Ste 500, Weldon Springs, MO 63304-2225

TOTAL: 14

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
519017793	*P++	AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853, address filed with court., AmeriCredit Financial Services, Inc., dba GM Financial, P O Box 183853, Arlington, TX 76096

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 19, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 14, 2020 at the address(es) listed below:

Name	Email Address
Brian S Fairman	on behalf of Creditor Aldridge Pite LLP for Fay Servicing, LLC bkecfinbox@aldridgepite.com, BSF@ecf.courtdrive.com
David Jerome Witherspoon	on behalf of Debtor Carol Sutton daveslaw321@gmail.com prissycatina@yahoo.com
Deborah T. Feldstein	on behalf of Creditor US Bank C/F Actlien Holding Inc. dfeldstein@caplaw.net
Denise E. Carlon	on behalf of Creditor BAYVIEW LOAN SERVICING LLC, A DELAWARE LIMITED LIABILITY COMPANY dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg	magecf@magtrustee.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6